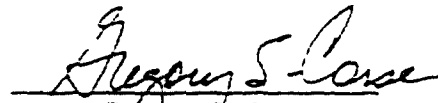


AFFIDAVIT OF
GREGORY S. CORSE


STATE OF TEXAS:
COUNTY OF TRAVIS

Before me, the undersigned authority, on this 15th day of August, 1997, personally appeared Gregory S. Corse of Southwestern Bell Telephone Company (Southwestern Bell), who, upon being duly sworn, states the following:

1. I, Gregory S. Corse, am an employee of Southwestern Bell and hold the position of Area Manager-Rate Administration. My business address is 1616 Guadalupe, Room 640, Austin, Texas.
2. I have reviewed the long-run incremental cost study for FasTrak DSL Service.
3. Based upon this review, I have determined that the rates contained in the attached tariff sheets are set above their long-run incremental cost and provide contribution toward joint and common cost.
4. Based on paragraph 3 above, the rates contained in the attached tariff sheets are not preferential, prejudicial, or discriminatory.


Gregory S. Corse

Sworn and subscribed before me on this 15th day of August, 1997.


Notary Public in and for the State of Texas

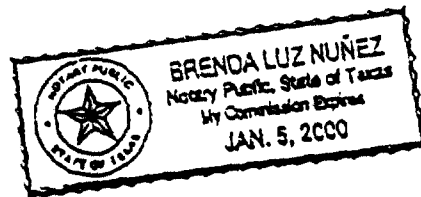


EXHIBIT A

TARIFF CONTROL/DOCKET NO. _____ PROTECTIVE ORDER

I agree to comply with and be bound by the terms and conditions of this Protective Order.

SIGNATURE:

NAME PRINTED:

TITLE:

ADDRESS:

REPRESENTING:

EMPLOYER:

DATE:

Public Utility Commission of Texas
Office of Regulatory Affairs


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RECOMMENDATION 25


97 OCT 10
PUBLIC UTILITY COMMISSION
FILING CLERK

DATE: October 10, 1997

TO: Office of Policy Development

FROM: Robert Rice 
Assistant General Counsel
Legal Division

Janis Ervin 
Senior Utilities Analyst
Competitive Issues Division

Mehrdad Setayesh 
Senior Economist
Competitive Issues Division

TARIFF CONTROL NO.: 17906

EFFECTIVE DATE: October 22, 1997

STYLE: *Application of Southwestern Bell Telephone Company to Introduce
Experimental Service - FasTrak DSL, Pursuant to PUC Subst. R. 23.26*

Recommendation:

This filing has been reviewed, and the Office of Regulatory Affairs (ORA) recommends the proposed tariff be granted interim approval because it meets the requirements of PUC Subst. R. 23.26. There is no privacy issue associated with this application.

Comments:

On August 28, 1997 SWBT applied for an approval of an experimental service offering for FasTrak DSL for four of its exchanges in Austin. In addition, on September 16, 1997 SWBT filed a revised Digital Link Service Tariff, Section 14, Sheet 5. This tariff sheet replaces Sheet 5 contained in SWBT's original application filed on August 28, 1997. The experimental service period will not exceed twelve months from the effective date of approval. Additional wire centers are expected to be added during the experimental service offering and SWBT will amend its tariffs as new wire centers are added.

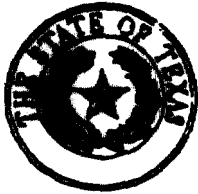
Current proposed tariff are set above the long run incremental cost. General Counsel and staff have not analyzed stand alone costs in this application and reserve the right to fully review SWBT's tariff amendments for additional wire centers as they are received, including their cost basis.

General Counsel and staff recommend SWBT be required to provide a report at six month intervals throughout the experimental period providing a technology and costing update and a summary of the number of customers purchasing the service and quantities purchased during the reporting period.

Based on the foregoing analysis, ORA recommends approval of the following revised tariff sheets:

<u>Tariff</u>	<u>Section</u>	<u>Sheet</u>
Digital Link Service Tariff	14	Sheets 1 - 6, Original

If you have any questions please contact Mr. Robert Rice at 6-7287 or Ms. Janis Ervin at 6-7372.



Public Utility Commission of Texas

1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
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Pat Wood, III
Chairman

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Judy Walsh
Commissioner

TO: Mr. Jon R. Loehman
Managing Director-Regulatory
Southwestern Bell Telephone Company
1616 Guadalupe, Room 634
Austin, Texas 78701

Office of Regulatory Affairs - Competitive Issues Division
Office of Regulatory Affairs - Legal Division

RE: Tariff Control No. 17906 - Application of Southwestern Bell Telephone Company for a New Optional Service, FasTrak DSL, Pursuant to P.U.C. SUBST. R. 23.26

NOTICE OF APPROVAL

On August 28, 1997, Southwestern Bell Telephone Company (SWBT) filed the above application for approval of an experimental service called FasTrak DSL, pursuant to P.U.C. SUBST. R. 23.26.

On October 10, 1997, the Office of Regulatory Affairs (ORA) filed a recommendation of approval of SWBT's application, as revised on September 16, 1997. The experimental service period will not exceed twelve months from the effective date of approval. Initial service will be offered to customers served by the Fairfax, Fireside, Jollyville and Greenwood wire centers located within the Austin metropolitan exchange. SWBT will amend its tariffs as new wire centers are added during the experimental service offering.

Consistent with ORA's recommendation, SWBT's application is approved with the following restrictions:

1. General Counsel and Commission Staff reserve the right to fully review SWBT's tariff amendments for additional wire centers as they are received, including their costs basis.



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MEDIA RELATIONS (512) 936-7135
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2. SWBT is required to provide a report at six month intervals throughout the experimental period providing a technology and costing update and a summary of the number of customers purchasing the service and quantities purchased during the reporting period.

The following tariff sheets are APPROVED, effective October 22, 1997.

Filed August 28, 1997:

Digital Link Service Tariff

Section 14

Sheet 1, Original

Sheet 2, Original

Sheet 3, Original

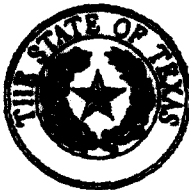
Sheet 4, Original

Filed September 16, 1997

.....

Sheet 5, Original

Sheet 6, Original



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 22nd DAY OF OCTOBER, 1997

EXHIBIT 4





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Documents 1 - 7

70% Verio - Glossary - Digital Subscriber Line - DSL

Summary: DSL

64% Verio Northern California: DSL Service

Summary: Verio Northern California: DSL Service

62% Verio Northern California: DSL Service

Summary: Verio Northern California: DSL Service

60% Verio - Glossary - High data rate Digital Subscriber Line - HDSL

Summary: HDSL

60% Verio Northern California: Service Offerings

Summary: Verio Northern California: Service Offerings

54% Verio Northern California: Service Offerings

Summary: Verio Northern California: Service Offerings

48% Verio Northern California: Strategic Partners

Summary: Verio Northern California: Strategic Partners



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EXHIBIT 5

1 Ameritech region where we have interconnect
2 agreements with them. They have kicked it
3 back also saying we have to have physical
4 collocation to do a simple cross-connect.

5 MS. IRWIN: So that's a yes.

6 A (Pelletier) Mike Pelletier, TCG.
7 TCG via Nationwide has physical collocation
8 and all the other RBOCs, and, yes, we're
9 doing unbundled loops, in particular HDSL.
10 TCG has a program to reduce costs. So
11 previously we've ordered Type 2 -- tariff
12 type DSL services, and we're in the process
13 of replacing those with the HDSL loops.

14 Today Southwestern Bell has
15 refused to even provide us an HDSL
16 four-wire loop, and we're in the process
17 now with the new physical collocation
18 tariff to begin deployment of physical
19 collocation here in Texas.

20 MR. SIEGEL: Does
21 Southwestern Bell use HDSL for their own
22 uses?

23 A (Pelletier) Yes, we have
24 confirmed on the circuits that we're
25 ordering in Texas that Southwestern Bell

1 actually uses HDSL technology for the final
2 loop on theirs.

3 Just for a quick comparison, we
4 have seven -- or ten cities alone that
5 have, like, 20 collocations in it, you
6 know, with some of the states having 45
7 physical collocations total.

8 MR. SRINIVASA: Are any of
9 the states allowing you to offer ADSL
10 service offer their loops?

11 A (Pelletier) That's correct.
12 The Ameritech region has ADSL technology --
13 four-wire ADSL. I'm not sure where the
14 other regions are right now, but, yes, we
15 have HDSL --

16 MR. SRINIVASA: Do they
17 place any restriction on what speed you can
18 transmit using the ADSL?

19 A (Pelletier) No, there's no
20 restrictions on the use of the loop. The
21 restrictions are based upon the definition
22 of ADSL or HDSL, and the tech -- when I say
23 "restrictions," there's a technical
24 definition of what that loop will transmit,
25 and so long as we maintain that restriction

1 within that loop, we can use that loop for
2 whatever we want.

3 As a comparison, here in
4 Southwestern Bell, we're being restricted
5 to how we use the loop by the -- by a
6 reference to a product, if you will. For
7 instance, like an ISDN loop, in the other
8 RBOCs, we have a technical description of
9 what that loop will transmit, so many
10 kilobits per second. Here we're restricted
11 by the type of use that can be on that
12 loop.

13 MR. SRINIVASA: Well,
14 Mr. Martinez, you also state in your
15 affidavit that they're not providing
16 network elements in a manner that they can
17 provide any telecommunication service.

18 Can you tell me what
19 telecommunication service it's not able to
20 provide?

21 A (Martinez) I'm not sure exactly
22 what the reference is called, but in the
23 series of unbundled network elements -- and
24 it's the item that we're on right now --
25 the initial -- one of the initial

1 JUDGE FARROBA: Thank you.
2 And we should be able to. That's going to be
3 first thing on the agenda.
4 MS. MUDGE: Thank you, Judge.
5:11P 5 JUDGE FARROBA: All right.
6 Okay, let's get started with the panel on Item
7 No. 4 and --
8 CHAIRMAN WOOD: Yeah. Yeah.
9 It's after 5:00, so gentlemen and ladies who
10 have coats that want to take them off, feel
11 free to. Mr. Deere has used the Deere --
12 we're invoking the Deere privilege. Right.
13 JUDGE FARROBA: And we're
14 ready to begin whenever you are.
15 MS. CANIS: Thank you,
16 Mr. Chairman, Commissioners.
17
18 ITEM_NO._4_-_LOCAL_LOOP_TRANSMISSION
19
20 CROSS-EXAMINATION
21 BY_MR._CANIS:
22 Q. Mr. Deere, I'm Jon Canis for
23 Intermedia Communications. Mr. Deere, are you
24 aware that Intermedia currently has pending
25 before Southwestern Bell a request for

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1 56-kilobit and 64-kilobit unbundled loop?

2 A. I have no specific knowledge of
3 it, no, sir.

4 Q. Have you reviewed Ms. Strow's
5 testimony in this proceeding?

6 A. I did look at it, yes.

7 Q. Well, accept subject to check that
8 appended to Ms. Strow's testimony is a letter
9 referencing a bona fide request submitted by
10 Intermedia to Southwestern Bell for 56- and
11 64-kilobit unbundled loops initially dated
12 July 30th, 1997.

5:13P 13 A. Okay.

14 Q. Are you aware of what Southwestern
15 Bell's response has been to the Intermedia
16 request?

17 A. No, sir, I have no specific
18 knowledge of it.

19 Q. Will you accept, subject to check,
20 that Southwestern Bell's position is that 56-
21 and 64-kilobit unbundled loops are not
22 available because 50 -- 56- and 64-kilobit
23 services are accessed services, Southwestern
24 Bell is not obligated to provide access
25 services as loops?

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1 A. I am aware that 54 and 50 and
2 60 -- pardon me. It's late in the day, folks.
3 56- and 64-kilobit loops are not among the
4 loops that have been set up and approved in
5 contracts and prices established for. There
6 are other loops that have been established,
7 but those are not among them.

8 Q. Can you tell -- can you tell me
9 now from your own perspective what
10 Southwestern Bell's position is on offering
11 56-, 64-kilobit loops as unbundled network
12 elements?

5:14P 13 A. I'm a network witness, sir, not a
14 policy witness.

15 Q. Are you aware that Bell --
16 Southwestern Bell currently offers ISDN and
17 DS1 loops as unbundled network elements?

18 A. Yes, sir, I am.

19 Q. Are you aware that Southwestern
20 also offers ISDN and DS1 services as access
21 services?

22 A. I know DSIs. I'm not -- access
23 services maybe in the PRI range. I really --
24 I really am not familiar with it.

25 Q. That's fine.

KENNEDY REPORTING SERVICE, INC.

1 Let's assume that Intermedia
2 ultimately obtains the loops that it looks for
3 under its existing interconnection agreement.
4 Let's further assume that -- well, are you
5 aware of whether 56- or 64-kilobit loops
6 appear in the AT&T interconnection agreement?
7 A. Not to the best of my knowledge.
8 Q. So if -- if Intermedia was to opt
9 into or MFN into the AT&T agreement, it would
10 not have access to the type of loops that it
11 needs. Is that a fair statement?
5:15P 12 A. It would still need to negotiate
13 for those types of -- additional types of
14 loops, yes, sir.
15 Q. In your testimony you discuss
16 Southwestern Bell's position on digital
17 subscriber line technology. You indicate
18 that -- you talk specifically about two
19 different flavors of DSL, ADSL and HDSL. Let
20 me just, so we know what we're talking about,
21 offer my own definition. Digital subscriber
22 line is a technology that allows you to
23 considerably increase the capacity of existing
24 copper loops. And is that a fair --
25 A. Yes, sir.

KENNEDY REPORTING SERVICE, INC.

1 Q. And it will allow the provision of
2 new services over existing copper facilities
3 that previously prior to this technology have
4 not been available. Is that true?

5 A. To some extent. Many of the
6 services could be be provided over a
7 1.544-megabit service over copper.

8 Q. Is Southwestern Bell providing any
9 other digital subscriber line type of
10 technologies?

5:16P 11 A. Southwestern Bell has a trial
12 going on here in Austin trying to determine
13 the best methodologies to be used to -- to --
14 identifying loops and condition for ADSL type
15 service. We -- that's the only one I'm aware
16 of. Well, I take it back, there's also a
17 trial with a major company in Houston to do
18 the same type of thing.

19 Q. And I'm sorry, what kind of --
20 what kind of DSL was that?

21 A. ADSL.

22 Q. Besides ADSL and HDSL, I know
23 there's a whole vegetable soup of DSLs
24 generically called XDSL. You looking at any
25 other -- any of those other flavors?

KENNEDY REPORTING SERVICE, INC.

1 A. It's possible that in our
2 technology resources lab they could be looking
3 at them, but they're -- to the best of my
4 knowledge, there's no plans for deploying any
5 of them at this time.

6 Q. Now, could you state Southwestern
7 Bell's provision -- position on provisioning
8 DSL unbundled -- loops as unbundled network
9 elements?

10 A. As we discussed in the
11 mega-arbitrations, we have real concerns about
12 using two-wire ADSL and HDSL because of the
13 interference problems that they can cause with
14 other services within the same cables. And we
15 are currently undergoing the testing and the
16 trial to -- to determine methodologies that
17 can be used to make those available.

5:17P 18 Q. But does that same concern exist
19 with four-wire DSL?

20 A. Four-wire HDSL is not as severe,
21 and we have worked out methodologies for
22 assignment of them.

23 Q. But you are deploying that or you
24 are testing that with the intention of
25 deploying that technology in your own

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1 networks. Is that the case?

2 A. I'm sorry. Which technology are
3 we talking about at this point?

4 Q. Well, let's talk either ADSL or
5 HDSL.

6 A. HDSL -- four-wire HDSL we use in
7 our network today. The ADSL, yes, we are
8 testing, trying to determine ways that loops
9 can be conditioned and assigned for ADSL so
10 that they do not interfere with other services
11 and to -- in order to make them available both
12 for our own use and for the use of the CLECs.

13 Q. If Intermedia wants to adopt an
14 HDSL line, wants to order up an HDSL line as
15 an unbundled network element, how does it go
16 about doing that?

17 A. I would assume they would order
18 the four-wire digital loop.

19 Q. You state in your testimony that
20 the CLECs would have to collocate in the
21 central office and install their own DSL
22 equipment and Southwestern Bell would provide
23 a loop up to that equipment. Is that a true
24 statement?

5:18P 25 A. If -- yes, I believe I do. And

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1 what I'm talking about there is if what
2 they're trying to buy is a loop conditioned
3 for ADSL or HDSL or anything like this, they
4 would purchase through the UNE the proper loop
5 and then they would provide the electronics at
6 both the customer's end and at the central
7 office end. And I'm assuming they would put
8 it in their collocation cage, unless the loop
9 was short enough that they maybe could extend
10 it to another location, but normally I would
11 expect it to be at the central office.

12 Q. All right. Now, in that kind of a
13 situation, Southwestern Bell is not really
14 providing an HDSL loop. It's providing a
15 digital loop that can be hooked up to HDSL
16 equipment. Is that correct?

17 A. That's correct, yes, sir.

18 Q. Suppose Southwestern Bell already
19 offers a series of HDSL loops to a certain
20 customer. Intermedia competes for that
21 customer, wins that customer and asks to --
22 asks to buy those loops as HDSL unbundled
23 network elements. How would Southwestern Bell
24 respond to that request?

5:19P 25 A. Well, again, I think it would be a

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1 matter of negotiation for something that is
2 not currently in the contract, for an entirely
3 new service that's not there, because now
4 we're no longer talking about a loop
5 conditioned for HDSL or ADSL, but for the
6 electronics and all the stuff that goes with
7 it. So it would be a negotiation process to
8 determine, you know, the appropriate rates,
9 terms and conditions.

10 Q. Will Southwestern Bell commit on
11 this record -- on the record of this
12 proceeding to establish rates for such loops?

13 A. Again, sir, you're talking to an
14 engineer, not to a policy person.

15 Q. If it --

16 MR. SIEGEL: Is there a
17 policy person on the panel?

18 MR. DEERE: Mr. Auinbauh.

19 JUDGE FARROBA: Is Mr.

20 Auinbauh here?

21 MR. DEERE: I'm the only one
22 on this panel.

23 BY_MR._CANIS:

24 Q. If Southwestern Bell does not do
25 so, would it actively strip the existing XDSL

1 or HDSL equipment off an existing loop in
2 order to provision it as an unbundled network
3 element to Intermedia?

4 A. Again, you're asking a question
5 that I cannot answer.

6 Q. All right. As an engineering
7 matter, if there are no prices or no
8 agreements available for an HDSL unbundled
9 loop, is that the only way that Southwestern
10 Bell could provision that loop to Intermedia?

5:21P 11 A. Okay, I guess my problem is -- is
12 that to me the loop is going to be -- the
13 definition of the loop is the one that we've
14 all been working from, is from the frame to
15 the customer's premise termination. And
16 you're talking about going beyond there to add
17 electronics onto it, to make it something more
18 than a loop. You're now providing a service
19 instead of a loop. And, of course, the
20 service is available through resale.

21 Q. Aren't analog loops and IDSN loops
22 and DS1 loops similarly defined by the kind of
23 electronic equipment that's attached to the --
24 to the actual cable?

25 A. The -- the loop itself is defined

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1 as going from the main distributing frame to
2 the point of termination at the customer's
3 premise such as the NID. Whatever electronic
4 equipment is used in there is priced into the
5 price of that. But the ADSL, we're now
6 talking about putting a piece of equipment
7 that is much larger and is something totally
8 different that has to be extended beyond the
9 frame for powering and for the -- all the
10 control and the splitting of the high-speed
11 data circuits and the voice circuit.

5:22P 12 Q. But it is true, is it not, that
13 all services are defined? A piece of a
14 four-wire copper cable is not a service in and
15 of itself. It is -- what it provides is
16 entirely defined by the types of electronics
17 that you hang on either end of that circuit.
18 Isn't that the case?

19 A. No, I disagree with you.
20 Four-wire copper circuit is defined as a
21 four-wire analog loop as an item that is
22 offered. That is a UNE.

23 Q. Regarding integrated digital loop
24 carrier, you indicate in your testimony that
25 Southwestern Bell deploys a few IDLCs, also

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1 deploys UDLCs. Could you give me a rough
2 estimation of the relative mix of IDLCs, UDLCs
3 and unaggregated homerun straight copper pairs
4 directly between the CO and the end user?

5:23P 5 A. Okay. I do not have the numbers
6 with me. I was looking in my testimony. IDLC
7 probably serves less than two percent of the
8 local loops in the State of Texas. Digital
9 loop carrier probably is in the range of --
10 total digital loop carrier, including that two
11 percent, is probably in the range of 18
12 percent, if it's that high. I don't -- sorry,
13 I just don't have the numbers with me.

14 Q. No. That's all right.

15 A. It's in some of my previous
16 testimony. But it's not -- like I say, the
17 IDLC is a very small number.

18 Q. So is that to say that about 80
19 percent of Southwestern Bell's loops are
20 homerun loops? They're unaggregated circuits
21 that --

22 A. They're copper circuits, yes, sir.

23 JUDGE FARROBA: Got about a
24 minute and a half.

25 MR. CANIS: Actually, Your

KENNEDY REPORTING SERVICE, INC.